

8.07 Confidentiality Policy for Vendors

POLICY:

Vendor information will remain confidential to ensure compliance with Federal Regulation 7 CFR §246.26 and to prevent release of information to unauthorized personnel without consent of the Vendor and to protect the right of privacy to authorized Vendors or Vendor applicants. Confidentiality requirements apply to information provided by an applicant Vendor or current authorized Vendor or information obtained by WIC personnel from sources such as complaints, monitoring, investigations, computer activity reports, and, testimony during hearings.

PROCEDURE:

A. Administrative Enforcement of WV WIC Vendor Information

1. Confidential Vendor information is any information about a Vendor (whether it is obtained from the Vendor or another source) that individually identifies the Vendor, except for Vendor's name, address, authorization status, telephone number, web site/e-mail address, and store type (peer group classification). Except as permitted by this policy and in accordance with CFR §246.26, the State Agency must restrict the use or disclosure of confidential Vendor information to:
 - a. Persons directly connected with the administration or enforcement of the WV WIC Program or SNAP who the State Agency determines have a need to know the information for purposes of these programs. These persons may include personnel from the State Agency's local agencies and other WIC State and local agencies and persons investigating or prosecuting WIC or SNAP violations under Federal, State, or local law;
 - b. Persons directly connected with the administration or enforcement of any Federal or State law. Prior to releasing the information to one of these parties (other than a Federal agency), the State Agency must enter into a written agreement with the requesting party specifying that such information may not be used or redisclosed except for purposes directly connected to the administration or enforcement of a Federal, or State law; and
 - c. A Vendor that is subject to an adverse action, including a claim, to the extent that the confidential information concerns the vendor subject to the adverse action and is related to the adverse action.

B. Administrative Enforcement of Confidential Information of SNAP Retailers

1. Except as otherwise provided by this policy and in accordance with CFR §246.26, the State Agency must restrict the use or disclosure of information about SNAP retailers obtained from the SNAP Program, including information provided pursuant to Section 9(c) of the Food Stamp Act of 1977 (7 U.S.C.

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2018(c) and §278.1(q) of this chapter, to persons directly connected with the administration or enforcement of the WV WIC Program.

C. Administrative Release of Vendor Information

1. The State Agency must provide the United States Department of Agriculture and the Comptroller General of the United States access to all WV WIC Program records, including confidential vendor information pursuant to §246.25(a)(4)